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December 11, 2019

BY ECF

Hon. Nicholoas G. Garaufis
United States District Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Force, et al. v. Facebook, Inc.*
Case no. 16-cv-5158(NGG)(lb)

Dear Judge Garaufis,

We represent the plaintiffs in the matter referenced above.

The plaintiffs filed a Rule 60(b) motion to vacate judgment on August 16, 2018 (Dkt. 71). On March 31, 2019 this Court stayed that motion pending disposition of plaintiff's appeal in the Second Circuit (Dkt. 79). On October 18, 2019 the Second Circuit issued its mandate affirming this Court's judgment (Dkt 80). On October 22, 2019 this Court entered a minute order lifting the stay and directing the parties to submit a joint letter advising the court of the effect of the Second Circuit's ruling on the pending motion. On December 9, 2019 the Court entered a further order setting December 20, 2019 as the deadline for that joint letter.

Plaintiffs' position is that the pending motion remains viable and should be considered by the Court regardless of the Second Circuit's decision since the pending motion put before the Court significant new information that had not been available when the motion was originally heard and with this new material in the record the Court might well reach a different conclusion.

Further, we wish to inform the Court that the Second Circuit's decision is being appealed to the United States Supreme Court. The petition for a writ of certiorari is presently due January 13, 2020. Plaintiffs respectfully submit that just as this Court stayed this matter while plaintiffs pursued their appeal in the Second Circuit, it makes sense to stay this matter again until the plaintiffs' appeal to the Supreme Court is concluded.

Facebook has informed me that its position is as follows: "Plaintiffs' pending Rule 60(b) motion was definitively resolved by the Second Circuit's decision and is moot, but Facebook does not oppose

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Page 2 of 2

plaintiffs' request for a further stay of proceedings on the motion pending the Supreme Court's disposition of their forthcoming petition for a writ of certiorari."

The parties thank the Court for its efforts in this matter.

Respectfully yours,



Robert J. Tolchin